

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

Before the Honorable Laura Fashing,
United States Magistrate Judge

CLERK'S MINUTES

LEAD CASE:

We The Patriots USA, INC. et al v.
Grisham et al, 1:23-cv-00773-DHU-LF

DATE: Wednesday, October 18, 2023

COURTROOM

CLERK: CDA

MEMBER CASES:

National Association for Gun Rights et al
v. Grisham et al, 1:23-cv-00771-DHU-LF

Donk et al v. Grisham et al, 1:23-cv-00772-
DHU-LF

Blas v. Grisham et al, 1:23-cv-00774-DHU-
LF

Fort et al v. Lujan Grisham et al, 1:23-cv-
00778-DHU-LF

Anderson v. Grisham et al, 1:23-cv-00839-
DHU-LF

PROCEEDINGS

COMMENCED: 11:15 a.m.

COURT IN

RECESS: 11:47 a.m.

TYPE OF PROCEEDING: *Status Conference via Zoom*

RECORDED: Liberty/MARS

ATTORNEYS PRESENT FOR
PLAINTIFFS:

We The Patriots USA, INC.
and Dennis Smith:
Cameron Lee Atkinson

National Association for Gun Rights,
Foster Allen Haines:
Barry K Arrington

ATTORNEYS PRESENT FOR
DEFENDANTS:

Michelle Lujan Grisham
Patrick M. Allen
Jason R. Bowie
and Troy W. Weisler:
Cody Rogers

Harold Medina
Office of the Governor of New Mexico
and New Mexico Department of Health:
No Appearance

**Randy Donk, Gun Owners of America,
Inc., and Gun Owners Foundation:**
Anthony Roman Napolitano

Shawn Blas:
Carey Bhalla

**New Mexico Shooting Sports
Association, Firearms Policy Coalition,
Inc., and Second Amendment
Foundation:**
Jordon George

Richard Anderson:
Joseph Lee Woods
CJ Grisham

The following issues were discussed:

- 11:15 Court is in session. Counsel enter their appearances.
- 11:18 Ms. Rogers clarifies she is not entering an appearance on behalf of Harold Medina, the Office of the Governor of New Mexico, or New Mexico Department of Health.
- 11:18 The Court explains the reason for the status conference.
- 11:19 Ms. Rogers responds to questions from the Court. The current order will expire in early November and a decision has not been made as to whether it will be extended. The Court will go forward assuming it will be extended.
- 11:21 Mr. Atkinson responds to questions from the Court. Mr. Atkinson would like discovery dates.
- 11:23 The Court responds to Mr. Atkinson's remarks.
- 11:23 Mr. Arrington responds to questions from the Court. Mr. Arrington confirms that the current order expires on November 3, 2023, and he believes the deadline for filing a notice of appeal is November 10, 2023. Mr. Arrington's position is to hang tight to see whether the order is extended and whether there is an interlocutory appeal.
- 11:26 The Court remarks on Mr. Arrington's remarks.
- 11:26 Mr. Napolitano responds to the Court's remarks and agrees with Mr. Arrington's position.
- 11:27 Ms. Bhalla responds and would like a scheduling order to give the parties direction.
- 11:28 Mr. George agrees with counsel's remarks and is moving forward to a trial and final judgment. A discovery order would be helpful.

- 11:29 Mr. Grisham remarks and agrees with other plaintiffs' counsel.
- 11:30 Ms. Rogers' preference is to hold off on a discovery order until decision on interlocutory appeal is made after November 3, 2023, to avoid piecemeal litigation.
- 11:31 The Court suggests that the Court issue an order requiring a joint status report (JSR) due after November 10, 2023, to give the parties a chance to see what works best for the parties. The Court could order a JSR due November 17, 2023. The parties can address in the JSR whether the parties should go forward with discovery or wait to see the outcome of any appeal.
- 11:34 Mr. Atkinson remarks on the Court's remarks and responds to questions from the Court. Mr. Atkinson expects to file an amended complaint.
- 11:36 The Court responds to Mr. Atkinson's remarks. The Court is not setting any deadlines except for filing the JSR. The parties should follow the rules with respect to filing amended pleadings and/or filing answers. Mr. Atkinson is good with the November 17, 2023, deadline.
- 11:36 Mr. Arrington responds to the Court's remarks and is ok with November 17, 2023.
- 11:37 Mr. Napolitano, Ms. Bhalla, Mr. George, Mr. Grisham, and Ms. Rogers are all ok with November 17, 2023, deadline.
- 11:38 Mr. Atkinson responds to questions from the Court.
- 11:39 Mr. Arrington responds to questions from the Court.
- 11:39 Mr. Napolitano agrees to "herd the cats" for plaintiffs with regard to the JSR.
- 11:40 The Court will order a Rule 16 JSR due November 17, 2023.
- 11:40 Mr. Atkinson remarks on future motions that will be forthcoming. If he files an appeal, he will ask for a temporary injunction pending an appeal. He expects to pursue the emergency track with the 10th Circuit.
- 11:41 Mr. Arrington responds to questions from the Court.
- 11:42 Mr. Atkinson responds to questions from the Court.
- 11:42 Nothing further from Mr. George, Mr. Napolitano, and Ms. Bhalla.
- 11:43 Mr. Grisham makes further remarks.
- 11:43 Ms. Rogers makes further remarks, and the Court responds to Mr. Rogers' remarks.
- 11:45 The Court will not set any discovery deadlines except to order the Rule 16 JSR.

Discovery deadlines would not be set until the Rule 16 Initial Scheduling Conference.

11:46 The Court expects the parties to be reasonable with each other with regard to extensions of time. The parties will see an order on the docket shortly.

11:47 Court is in recess.